

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM DENNIS, # 927594,

Petitioner,

Case Number: 2:20-CV-11156
Honorable Sean F. Cox

v.

SHERRY BURT,

Respondent.

**OPINION AND ORDER DIRECTING CLERK OF COURT TO REFILE
PETITIONER'S MOTION AND PETITION (ECF NO. 1) IN CASE
NO. 2:18-cv-12197 AND DISMISSING CASE WITHOUT PREJUDICE**

In 2018, Petitioner Williams Dennis filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his convictions for two counts of first-degree criminal sexual conduct, Mich. Comp. Laws § 750.520b(1)(b), and one count of third-degree criminal sexual conduct, Mich. Comp. Laws § 750.520d(1). On September 16, 2019, the Court denied the petition because it was filed outside the one-year limitations period applicable to habeas corpus petitions, *Dennis v. Burt*, No. 2:18-CV-12197, 2019 WL 4439814, at *1 (E.D. Mich. Sept. 16, 2019), and denied a certificate of appealability. *Dennis v. Burt*, No. 2:18-CV-12197, 2019 WL 5864457 (E.D. Mich. Nov. 8, 2019).

On April 24, 2020, Petitioner filed a Petition for Writ of Habeas Corpus Ad Testificandum and a Motion for Relief from Judgment Pursuant to Fed. R. Civ. P. 60(b)(6). (ECF No. 1.) These filings were docketed together as a petition for a writ of habeas corpus. In his motion for relief from judgment, Petitioner challenges the Court's denial of his habeas corpus petition as untimely. (Id.) In the petition for writ of habeas corpus ad testificandum, Petitioner asks the Court to order the warden to produce him to testify regarding his Rule 60(b) motion. After carefully reviewing the pleadings, the Court determines that Petitioner did not intend to file a new habeas corpus petition. Instead, he intended to file these pleadings in his habeas corpus proceeding and the Court will order them refiled in that case.

Accordingly, the Court directs the Clerk of Court to refile the Petition for Writ of Habeas Corpus Ad Testificandum and Motion for Relief from Judgment Pursuant (ECF No. 1) in Case No. 2:18-CV-12197. This case is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

s/Sean F. Cox
SEAN F. COX
UNITED STATES DISTRICT JUDGE

Dated: June 19, 2020